



## PENALTIES FOR CAUSING A FATALITY WHEN TEXTING WHILE DRIVING

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### ISSUE

What are the Connecticut penalties for drivers convicted of causing a fatal accident while texting and what have other states done to address this issue?

### SUMMARY

There is currently no specific penalty for texting while driving that results in a death. The offense of texting while driving is punishable by fines of \$150, \$300, and \$500 for a first, second, or subsequent offense, respectively ([CGS § 14-296aa](#)). A driver who texts while committing another moving violation may be fined the above amounts in addition to the penalty imposed for the moving violation.

When a driver causes a fatality while texting, a prosecutor may charge the driver with applicable crimes not specifically related to illegal cell phone use. Applicable crimes may include negligent homicide with a motor vehicle ([CGS § 14-222a](#)), misconduct with a motor vehicle ([CGS § 53a-57](#)), or 2nd degree manslaughter ([CGS § 53a-56](#)). Penalties for these crimes range from a prison sentence of up to six months for negligent homicide with a motor vehicle to one to 10 years for 2nd degree manslaughter. Fines for these crimes range from a maximum of \$1,000 for negligent homicide with a motor vehicle to a maximum of \$10,000 for 2nd degree manslaughter. A judge may impose a fine, a term of imprisonment, or both.

In addition, drivers who are intoxicated when texting while driving may be charged with crimes such as driving under the influence ([CGS § 14-227a](#)) or 2nd degree manslaughter with a motor vehicle ([CGS § 53a-56b](#)).

While Connecticut does not have specific penalties imposed for the crime of causing a fatality when texting while driving, we found five states (Alaska, Illinois, Maryland, New Jersey, and Utah) that do. Crimes among these states range from misdemeanors punishable by up to one year imprisonment to felonies with prison

sentences of up to 15 years for a first conviction. Misdemeanor fines range from a maximum of \$2,500 to a maximum \$10,000, and felony fines range from a maximum of \$5,000 to a maximum of \$250,000. Fines may generally be imposed alone or in addition to a term of imprisonment.

## **PENALTIES IN OTHER STATES**

We found five states that have enacted laws penalizing the crime of causing the death of another person while using a handheld wireless device while driving. Usage of a handheld device generally includes writing, sending, or reading written communication, dialing a number, accessing the internet, viewing or recording a video, or entering data into a wireless device.

### ***Alaska***

Section [28.35.161](#) of the Alaska Statutes has penalties ranging from a Class A misdemeanor to a Class A felony depending on whether the crime of driving while texting resulted in physical injury, serious physical injury, or the death of another person.

Penalties for each conviction are outlined in Table 1.

**Table 1: Alaska’s Penalties for Unlawful Use of an Electronic Device While Driving**

<i>Injury or Damage Caused</i>	<i>Felony Class</i>	<i>Penalties</i>	
		<i>Prison Sentence (<a href="#">AS 12.55.125</a>)</i>	<i>Fine (<a href="#">AS 12.55.035</a>)</i>
Death	Class A	Seven to 11 years for a first conviction 10 to 14 years for a second conviction 15 to 20 years for a third conviction	\$250,000
Serious physical injury	Class B	One to three years for a first conviction Four to seven years for a second conviction Six to 10 years for a third conviction	100,000
Physical injury	Class C	Up to two years for a first conviction Two to four years for a second conviction Three to five years for a third conviction	50,000

If at least 10 years have passed since a prior conviction was imposed, the prior conviction is not considered.

## **Illinois**

Under the Illinois Compiled Statutes ([625 ILCS 5/12-610.2\(b-5\)](#)), a driver who causes an accident that results in death or great bodily harm to another person commits the crime of aggravated use of a communication device. A driver commits a Class 4 felony if the violation results in another person's death. A driver commits a Class A misdemeanor if the violation results in great bodily harm, permanent disability, or disfigurement. Illinois law imposes a sentence of one to three years in prison, a fine of up to \$25,000, or both for a Class 4 felony ([730 ILCS 5/5-4.5-45 and -50\(b\)](#)). A Class A misdemeanor is punishable by less than one year in prison, a fine of up to \$2,500, or both ([730 ILCS 5/5-4.5-55](#)).

## **Maryland**

Maryland's law (Md. Code, Transportation Art., § [21-1124.3](#) and § [27-115](#)) makes the death or serious bodily injury of another person resulting from illegal use of a cell phone while driving a misdemeanor punishable by up to one year in prison, a fine of up to \$5,000, or both.

## **New Jersey**

Under New Jersey's law (N.J.S.A. [2C:11-5](#)), proof that a driver was operating in violation of the hands-free cell phone law (N.J.S.A. [39:4-97.3](#)) may give rise to an inference that the driver was operating recklessly for purposes of the state's vehicular homicide law. Vehicular homicide is a crime of the second degree, generally punishable by five to 10 years in prison, a fine of up to \$150,000, or both (N.J.S.A. [2C:43-6](#) and [2C:43-3](#)).

## **Utah**

The Utah Code ([76-5-207.5](#)) has second and third degree felony penalties for automobile homicide depending on whether the crime involved the use of a handheld wireless communication device while driving in a criminally negligent manner or a negligent manner, respectively.

A person convicted of automobile homicide in a criminally negligent manner is subject to a prison sentence of one to 15 years, a fine of up to \$10,000, or both. The crime of automobile homicide in a negligent manner is punishable by a prison sentence of up to five years, a fine of up to \$5,000, or both ([76-3-203](#) and [76-3-301](#)).